IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Palmer et al.   Group Art Unit: 2616

Serial No.: 10/796,653   Examiner: Wei-po Kao, Eric

Filed: March 9, 2004   Docket No.: 1322/165

Confirmation No.: 2215

For: SYSTEMS AND METHODS OF PERFORMING STATEFUL SIGNALING TRANSACTIONS IN A DISTRIBUTED PROCESSING ENVIRONMENT

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APPLICANTS' STATEMENT IN SUPPORT OF THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants respectfully request pre-appeal brief review of the rejection of the claims pursuant to the Pre-Appeal Brief Conference Pilot Program set forth in the Official Gazette Notice dated July 12, 2005 and extended indefinitely by the Notice dated January 10, 2006 in light of the following remarks.

REMARKS

Claims 1-5, 11, 13, 16, 18, 19, 21, 22, 25, 26, 30, 31, 34-36, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,852,660 to Lindquist et al. (hereinafter, "Lindquist") in view of U.S. Patent No. 6,625,273 to Ashdown et al. (hereinafter, "Ashdown") and the background of U.S. Patent Application Publication No. 2001/0053218 to Leung et al. (hereinafter, "Leung").

Claims 6, 7, 17, 23, 27, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindquist, Ashdown, and the background of Leung, and further in view of U.S. Patent Application Publication No. 2005/0094623 to D'Eletto (hereinafter, "D'Eletto").

Claims 8-10, 12, 20, 24, 28, 29, 38, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindquist, Ashdown, the background of Leung, and further in view of Redmill, "An Introduction to SS7," Brooktrout Technology (July 2001) (hereinafter, "Redmill").

Claims 15 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindquist, Ashdown, the background of Leung, and further in view of U.S. Patent No. 6,249,572 to Brockman et al. (hereinafter, "Brockman").

Each of these rejections should be reversed for the reasons set forth below.

Independent claims 1, 21, and 34 respectively recite a method, a telecommunications network element, and a computer program product where a signaling message is received and a stateful transaction query message is generated based on the signaling message. For example, as illustrated in Figure 10 of the present specification, a number portability query message **1016** may be generated based on a received TCAP message. Each of these claims further recites that an identifier is inserted in the stateful transaction query message and identifies the stateful processing module among plural stateful processing modules in the same node that transmitted the query message. As illustrated in Figure 3 of the present specification, a STP **300** may include plural stateful transaction processing modules. Each of these claims further recites that a response is received for the stateful transaction query message. The response includes the identifier that was inserted in the message by the originating node. The identifier is used to distribute the response to the processing module that originated the stateful transaction query message. Each of the claims was previously amended to recite that the stateful processing modules are located in the same node and that the identifier is used to distribute the response among the stateful processing modules located in the same node.

The rejection of claims 1-5, 11, 13, 16, 18, 19, 21, 22, 25, 26, 30, 31, 34-36, and 40 as unpatentable over Lindquist in view of Ashdown and the background of Leung should be reversed because none of these documents disclose, individually, or when combined, formulating a stateful transaction query message in response to a received message, inserting an identifier that identifies the processing module within a node that originates the query message and using identifier to distribute the response to the processing module that originated the query message as claimed. Lindquist is directed to an international gateway STP that converts between ANSI and CCITT versions of SS7. In contrast to disclosing a routing node with plural stateful processing modules and a need to distribute signaling messages to the appropriate stateful processing module that originates a query message, in Figure 5, Lindquist discloses that ANSI or

CCITT message go to a single converter **370**. Because all messages go to a single converter **370**, there would be no need to insert an identifier in a message or to distribute the message to the correct module among plural stateful processing modules since <u>Lindquist</u> discloses only a single module that processes all signaling messages.

<u>Ashdown</u> likewise fails to teach or suggest a method or system where a signaling message is received, a stateful processing module originates the query message based on the signaling message, the stateful processing module inserts its identifier in the query message, and the identifier is used to distribute the response to the query message to the originating stateful among plural stateful processing modules. <u>Ashdown</u> is directed to a local number portability (LNP) cache. <u>Ashdown</u>, like <u>Lindquist</u>, discloses a node with a single application that processes received signaling messages. For example, in Figure 3, <u>Ashdown</u> discloses LNP caching application **300** that processes LNP queries. According to <u>Lindquist</u>, LNP queries are forwarded to caching application **300**. If an entry is found by LNP caching application **300**, LNP caching application **300** responds to the query. If an LNP entry is not found, LNP caching application **300** sends <u>the query</u> to the destination SCP via the MTP (See column 6, lines 27-30 of <u>Ashdown</u>.) Thus, rather than formulating a query message in response to a received message, <u>Ashdown</u> teaches that <u>the received signaling message</u> is forwarded to another node. In addition, because <u>Ashdown</u> discloses that a single application, i.e., LNPC application **300**, forwards query messages, there is no need to insert an identifier that identifies LNPC application in the query message so that a response to the query message will be distributed to the processing module that originated the query message among plural processing modules within the node. Accordingly, the combination of <u>Lindquist</u> and <u>Ashdown</u> both teach processing nodes with single application that process signaling messages and therefore cannot render obvious the claimed subject matter.

<u>Leung</u> discloses the use of transaction identifiers to correlate answers with queries in TCAP transactions. (See paragraph [[0004]] of <u>Leung</u>.) When <u>Leung</u> is combined with the disclosure of <u>Lindquist</u> and <u>Ashdown</u>, the result is the use of a TCAP transaction identifier for a single originating application to pair responses with queries that it sent. There is no mention in <u>Leung</u> of using this identifier or any other identifier to distribute a query message generated based on a received signaling message <u>to the processing module among plural processing modules within a node that originated the</u>

query message. Accordingly, the rejection of the claims as unpatentable over Lindquist in view of Ashdown and the background of Leung should be reversed.

Claims 6, 7, 17, 23, 27, and 37 each depend from one of claims 1, 21, and 34. Therefore, claims 6, 7, 17, 23, 27, and 37 include the features recited by claims 1, 21, and 34. As stated above with respect to claims 1, 21, and 34, Lindquist, Ashdown, and the background of Leung, either alone or in combination, fail to disclose or suggest using the identifier to distribute the response to the first stateful processing module that originated the stateful transaction query message from among a plurality of stateful processing modules located in the same node. D'Eletto likewise lacks such teaching or suggestion. D'Eletto is directed to a system identifying calls traversing a packet network and calculates statistics describing the calls in order to provide VoIP traffic separation and factor determination. There is no mention in D'Eletto of using an identifier to distribute the response to the first stateful processing module that originated the stateful transaction query message from among a plurality of stateful processing modules located in the same node. Accordingly, the rejection of claims 6, 7, 17, 23, 27, and 37 under 35 U.S.C. § 103(a) as unpatentable over Lindquist, Ashdown, the background of Leung, and D'Eletto should be reversed.

Claims 8-10, 12, 20, 24, 28, 29, 38, and 39 each depend from one of claims 1, 21, and 34. Therefore, claims 8-10, 12, 20, 24, 28, 29, 38, and 39 include the features recited by claims 1, 21, and 34. As stated above with respect to claims 1, 21, and 34 Lindquist, Ashdown, and the background of Leung, either alone or in combination, fail to disclose or suggest using the identifier to distribute the response to the first stateful processing module that originated the stateful transaction query message from among a plurality of stateful processing modules located in the same node. Redmill likewise lacks such teaching or suggestion. Redmill is directed to an introduction to the systems and principles governing SS7 networks. There is no mention in Redmill of using an identifier to distribute the response to the first stateful processing module that originated the stateful transaction query message from among a plurality of stateful processing modules located in the same node.

Accordingly, it is respectfully submitted that the rejection of claims 8-10, 12, 20, 24, 28, 29, 38, and 39 under 35 U.S.C. § 103(a) as unpatentable over Lindquist, Ashdown, the background of Leung, and Redmill should be reversed.

Claims 15 and 33 respectively depend from claims 1 and 21. Therefore, claims 15 and 33 include the features recited by claims 1 and 21. As stated above with respect to claims 1 and 21, Lindquist, Ashdown, and the background of Leung, both alone and in combination, fail to disclose or suggest using the identifier to distribute the response to the first stateful processing module that originated the stateful transaction query message from among a plurality of stateful processing modules located in the same node. Brockman likewise lacks such teaching or suggestion. Brockman is directed to generating TCAP call details records which may be non-intrusively obtained and selectively filtered by the user. There is no mention in Brockman of using an identifier to distribute the response to the first stateful processing module that originated the stateful transaction query message from among a plurality of stateful processing modules located in the same node.

Accordingly, the rejection of claims 15 and 33 under 35 U.S.C. § 103(a) as unpatentable over Lindquist, Ashdown, the background of Leung, and Brockman should be reversed.
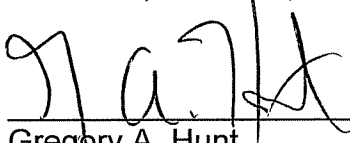
CONCLUSION

For the reasons set forth above, the rejection of the claims should be reversed.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: <u>October 30, 2008</u>   By: _____

Gregory A. Hunt
Registration No. 41,085
Customer No. 25297

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